

Clerk, U.S. District Court  
Southern District of Texas  
FILED

JAN 12 2015

A091 (Rev. 8/01) Criminal Complaint

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS**

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA  
V.**Cindy Rojas**  
**Juan VALDEZ-Molina****CRIMINAL COMPLAINT**Case Number: **C-15-41M**

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 1/11/2015 in Brooks County, in the  
(Date)

Southern District of Texas defendant(s), **Cindy Rojas**

each aiding, abetting and assisting one another, did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324.  
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the  
following facts: Official Title

See Attached Affidavit of U.S. Border Patrol Agent **Patrick Schellinger**

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No  
Signature of Complainant**Patrick Schellinger**  
Printed Name of Complainant

Sworn to before me and signed in my presence,

January 12, 2015

Date

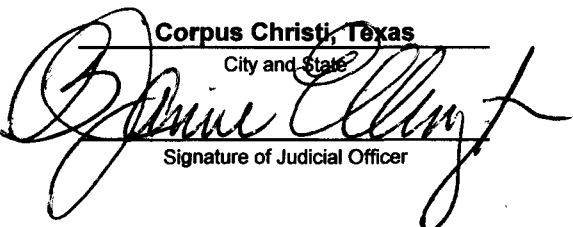
B. Janice Ellington, U.S. Magistrate Judge

Name and Title of Judicial Officer

at

Corpus Christi, Texas

City and State

  
Signature of Judicial Officer

### Affidavit

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information related to me by other agents and officers participating in the investigation.

On January 11, 2015, Border Patrol Agent (BPA) James A. Doerbaum was performing his assigned duties at the United States Border Patrol Checkpoint located 13 miles south of Falfurrias, Texas. At approximately 9:15 A.M., a blue in color 2013 Hyundai Sedan bearing Texas license plates BYP7514 approached the primary inspection area for an immigration inspection of its occupants. When the Hyundai arrived at BPA Doerbaum's lane, he asked the driver later identified as Cindy ROJAS if she was a U.S. Citizen to which she replied "Yes". BPA Doerbaum then turned to the front passenger, later identified as Salvador AYALA-HERNANDEZ, and asked him if he was an American citizen. ROJAS immediately responded for AYALA and said "Yes. Yes.". As BPA Doerbaum was questioning AYALA as to his citizenship, BPA Doerbaum noticed that his posture was very rigid. AYALA's eyes were wide open and he continued to stare forward when BPA Doerbaum addressed him. BPA Doerbaum then turned to the back passengers, later identified to be Juan VALDEZ-MOLINA and Julio FRANCO-RAMIREZ, and asked them if they were U.S. citizens. ROJAS immediately responded for VALDEZ and FRANCO and said "Yes. Yes.". BPA Doerbaum disregarded ROJAS's answer and again asked VALDEZ and FRANCO if they were U.S. citizens, to which they both replied, "Yes". BPA Doerbaum then turned back to AYALA and asked him where he was born. AYALA replied with a nod and a "Yes". Due to ROJAS repeatedly answering for the passengers and AYALA's failure to answer his questions correctly, BPA Doerbaum referred the vehicle to secondary for further inspection.

Once in secondary, both AYALA and FRANCO admitted that they were not U.S. citizens and that they did not have any immigration documents to be lawfully present in the United States. At approximately 9:35 a.m., ROJAS and VALDEZ were placed under arrest for attempting to smuggle illegal alien through the USBP Checkpoint in Falfurrias, Texas. At the same time, AYALA and FRANCO were placed under arrest for being illegal present in the United States. All four subjects were then escorted inside the checkpoint for processing and further questioning.

BPA Doerbaum read Cindy ROJAS her rights as per service form I-214 in her preferred language of English at approximately 10:14 a.m. ROJAS stated that she understood her rights and signed the form accordingly. Border Patrol Agent Alex Forbes served as a witness to the reading of the rights.

BPA Doerbaum read Juan VALDEZ-RAMIREZ his rights as per service form I-214 in his preferred language of English at approximately 10:30 a.m. VALDEZ stated that he understood his rights and signed the form accordingly. Border Patrol Agent Alex Forbes served as a witness to the reading of the rights.

Julio FRANCO-RAMIREZ was read his rights as per service form I-214 in his preferred language of English at approximately 10:00 a.m. by Border Patrol Agent Mari Ramirez. FRANCO stated that he understood his rights and signed the form accordingly. Border Patrol Agent Jessica Newsome served as a witness to the reading of the rights.

BPA Doerbaum read Salvador AYALA-HERNANDEZ his rights as per service form I-214 in his preferred language of Spanish at approximately 1:15 p.m. AYALA stated that he understood his rights and signed the form accordingly. Border Patrol Agent M. Weston served as a witness to the reading of the rights.

PRINCIPAL STATEMENT: (Cindy ROJAS)

After ROJAS stated that she understood her rights and signed the Form I-214, she agreed to make a statement without a lawyer present. ROJAS stated that she met a man Friday night (01/09/2015), by the name of Alex, at a bar called Studio 69. ROJAS stated that Alex is a drag queen who performs at Studio 69 and recruits individuals to smuggle aliens north. Alex offered ROJAS \$1500 dollars to smuggle two undocumented aliens through the USBP Checkpoint in Falfurrias, Texas and to drive them to Houston, Texas. ROJAS stated that she agreed to the payment and exchanged numbers so that Alex could contact her. Later that night, ROJAS asked VALDEZ to help her smuggle undocumented aliens to Houston, Texas on Sunday. ROJAS stated that VALDEZ agreed and they were going to split the payment. ROJAS spent Saturday night at VALDEZ's house, and then drove Sunday morning with VALDEZ to the gas station in her rental car, which she acquired Friday. ROJAS and VALDEZ met Alex at a Stripes Gas Station (located on Canton and Highway 281 in Edinburg, Texas) and picked up FRANCO-RAMIREZ and AYALA-HERNANDEZ with a payment of \$1,500. ROJAS stated that they left around 8:30 a.m. from the Stripes gas station and drove directly north to the Falfurrias Border Patrol Checkpoint. ROJAS stated that VALDEZ-MOLINA has been her friend for almost eight years, and that she was going to take him to celebrate her grandmother's birthday after dropping AYALA-HERNANDEZ and FRANCO-RAMIREZ off in Houston. ROJAS claims that when she arrived in Houston she was to call Alex to find out where exactly she was to drop AYALA and FRANCO off. Upon inventorying ROJAS's property, a loaded .357 revolver was found in her purse. The revolver is not registered in her name. ROJAS claims that the revolver was given to her by her ex-boyfriend back in 2008.

#### PRINCIPAL STATEMENT: (Juan VALDEZ-MOLINA)

After VALDEZ-MOLINA stated that he understood his rights and signed the form I-214, he agreed to make a statement without a lawyer present. VALDEZ admitted that he made a false claim to U.S. citizenship when BPA Doerbaum asked him at my primary inspection. VALDEZ acquired legal status under the Dream Act and has a valid Social Security Card and an Employment Authorization Card. VALDEZ originally stated that he met AYALA and FRANCO at a club about a month ago, and that he did not know they were aliens unlawfully present in the United States. VALDEZ claimed that AYALA and FRANCO were friends accompanying him and ROJAS to celebrate her grandmother's birthday. VALDEZ claimed that although he had his suspicions that AYALA and FRANCO were not in the country legally, he did not know that they were aliens unlawfully present in the United States. During questioning, VALDEZ continued to change his story. VALDEZ eventually stated that he did not know AYALA and HERNANDEZ before today (01/11/2015), and that his first time seeing them was when they arrived at the Stripes gas station. VALDEZ stated that he did not know who they were or what was going on until he got in the backseat next to FRANCO and asked AYALA if they were smuggling illegal aliens. When I asked VALDEZ if he was receiving any payment, he stated that he was not receiving any payment. Upon further questioning, VALDEZ admitted that he knew that AYALA and FRANCO were illegal aliens, and that ROJAS was going to pay him \$500 dollars. VALDEZ stated that he did not know that he and ROJAS were going to smuggle aliens until the drive to the Stripes gas station. VALDEZ has been elusive when answering questions and has repeatedly changed his story concerning his knowledge of the smuggling attempt.

#### SMUGGLED ALIENS STATEMENTS:

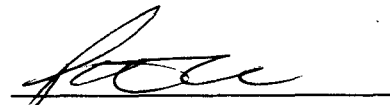
After Julio FRANCO-RAMIREZ stated that he understood his rights and signed the form I-214, he agreed to make a statement without a lawyer present. FRANCO stated that he did not know the smuggler who transported him to the Stripes gas station or the co-principles he was arrested with. FRANCO stated that his family members, cousins already living in the United States, made all of the smuggling arrangements and paid the smugglers. FRANCO was able to identify VALDEZ as the co-principle who tried to smuggle

him through the USBP Falfurrias Checkpoint. FRANCO does not know how much was paid by his family to have him smuggled to Houston, Texas.

After Salvador AYALA-HERNANDEZ stated that he understood his rights and signed the form I-214, he agreed to make a statement without a lawyer present. AYALA stated that he crossed into the United States about five days ago. AYALA stated that he stayed in a house in McAllen, but does not know the address or location of the house. AYALA stated that he did not know the smuggler who handed him and FRANCO over to ROJAS and VALDEZ. AYALA stated that he did not know ROJAS or VALDEZ. AYALA stated that he paid \$1,500 to the smuggler and that he was going to pay an additional \$1,500 once he got to Houston, Texas. AYALA was able to positively identify both the driver (ROJAS) and back seat passenger (VALDEZ) as the principal and co-principal via photo lineup.

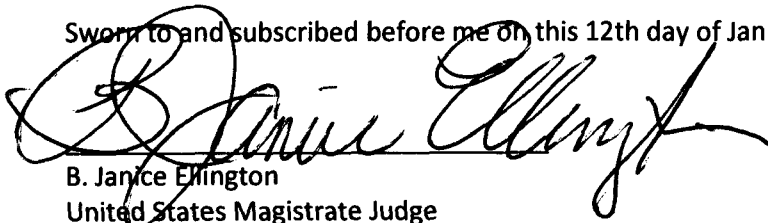
Prosecution on the driver (Cindy ROJAS) and passenger (Juan VALDEZ-MOLINA) was sought. Border Patrol Agent Buckner accepted the case. The vehicle, \$1,400 U.S. currency, and the .357 revolver were turned over to Rio Grande Valley Asset Forfeiture Office. Julio FRANCO-RAMIREZ and Salvador AYALA-HERNANDEZ will be used as Material Witnesses.

Assistant U.S. Attorney Jeff Miller was contacted and accepted prosecution of this case for violation of Title 8 USC 1324 (Alien Smuggling).



Patrick Schellinger  
Border Patrol Agent

Sworn to and subscribed before me on this 12th day of January 2015.



B. Janice Ellington  
United States Magistrate Judge